

REMARKS

The Communication, mailed April 2, 2004, indicated that the Preliminary Amendment Under 37 C.F.R. § 1.114 filed March 16, 2004 was not fully responsive to the prior Office action because the amendment was allegedly not in accordance with 37 C.F.R. § 1.121. The Examiner contends that claims 1, 8 and 10 do not comply with revised 37 C.F.R. § 1.121 because the status “not entered” with the text of the claims does not comply with revised 37 C.F.R. § 1.121. In response, Applicants respectfully submit that in the Second Preliminary Amendment With Request for Interview, filed April 2, 2004, claims 1, 8 and 10 (along with claims 5, 6, 9 and 11-14) were canceled, without prejudice. Therefore, reconsideration and withdrawal of the assertion that the Preliminary Amendment Under 37 C.F.R. § 1.114 filed March 16, 2004 was non-responsive is respectfully requested.

A replacement paper copy of the Sequence Listing and computer readable form (floppy disk) of the Sequence Listing are enclosed. The Statements required by 37 C.F.R. §1.821(f) and (g) are set forth below are submitted concurrently herewith. The amendments to the specification add sequence identifiers to the sequences of the application as originally filed and place the application in compliance with all regulations regarding sequence identifiers. No new matter has been added by these amendments.

Claims 16-26 were under consideration in this application. Claim 23 has been canceled, claims 18, 21, 22 and 26 have been amended, and claims 27-32 have been added. No new matter has been added by this amendment.

Claim 18 has been clarified to add a left parenthesis to the claim identified. Claims 21 and 22 have been rewritten as independent claims combining claim 16 and the previous limitations of claims 21 and 22. Claim 26 has been clarified to add a period to the claim. Claims 27 and 32 have been added to mirror claims 24-26 and depend from claims 21 and 22.

Formal drawings are submitted to replace the previously submitted informal drawings. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103

or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

REQUEST FOR INTERVIEW

An interview with the Examiner, the Examiner's SPE, and a Practice Specialist, prior to a first Office Action on the merits is respectfully requested, with the Examiner respectfully invited to contact the undersigned to arrange a mutually convenient time and manner therefor.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: Deborah L. Lu
Thomas J. Kowalski
Reg. No. 32,147
Deborah L. Lu
Reg. No. 50,940
Telephone: (212) 588-0800
Facsimile: (212) 588-0500